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January 17, 2025

**VIA ECF**

The Honorable John R. Tunheim  
United States District Court  
300 South Fourth Street  
Minneapolis, MN 55415

RE: *Mehlman v. Ameriprise Financial, Inc.*, No. 24-cv-03018-JRT-DLM

Dear Judge Tunheim:

The undersigned firms serve as Court-appointed Interim Co-Lead Counsel for the Plaintiffs and the proposed class in the above-captioned consolidated action. We respectfully write in support of Defendants' letter (ECF No. 74) concerning the consolidation of a newly-filed related action *Tripson v. Ameriprise Financial, Inc.*, No. 24-cv-04669-ECT ("*Tripson*").

*Tripson* was filed on December 31, 2024.<sup>1</sup> Nearly three months earlier—on October 3, 2024—the Court entered its Order consolidating two related actions, ordering the consolidation of any subsequently-filed related actions, and appointing Interim Co-Lead Counsel (ECF No. 50) ("*Order*").

Pursuant to the Court's October Order, *Tripson* should be consolidated with the above-captioned action. Specifically, under the Order, any "subsequently filed, removed, or transferred actions that are related to and arise out of the same subject matter of the above-captioned actions" are consolidated with the above-captioned action—and *Tripson* is such an action. Order at 2-3; *see also* *Mehlman*, ECF No. 58; *Tripson*, ECF No. 1 (alleging the similar misconduct with respect to Ameriprise's cash sweep program). All counsel in *Tripson* agree that consolidation is appropriate. *See* ECF No. 74.

The Court's October Order also appointed the undersigned Interim Co-Lead Counsel to serve in that capacity under Rule 23(g), empowering and obligating Interim Co-Lead Counsel to "act on behalf of [the] putative class"—including with respect to any claims or allegations asserted in *Tripson*. *See generally* Manual for Complex Litigation § 21.11 at 246 (4th ed. 2005) ("designation of interim counsel clarifies responsibility for protecting the interests of the class

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<sup>1</sup> *Tripson* was filed months after the initial cases. *Mehlman* was filed on July 29, 2024. *Bender*—the related action that the Court consolidated with *Mehlman*—was filed on August 21, 2024. *Bender v. Ameriprise Financial, Inc., et al.*, No. 24-CV-3359 (D. Minn.).



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during precertification activities, such as making and responding to motions, conducting any necessary discovery, moving for class certification, and negotiating settlement”).

Since the Court’s appointment over three months ago, Interim Co-Lead Counsel have invested significant time and energy in advancing the litigation. We negotiated and submitted an agreed-upon briefing schedule for Defendants’ response to Plaintiffs’ Consolidated Complaint. ECF No. 57. Under the Court-ordered schedule, Interim Co-Lead Counsel researched, prepared, and filed the consolidated complaint on November 4, 2024. ECF No. 58. Defendants moved to dismiss and to compel arbitration on December 20, 2024 (ECF Nos. 62-72), and Interim Co-Lead Counsel have been diligently preparing its responses to Defendants’ pending motions. Plaintiffs’ deadline to respond to those motions is January 31, 2025, and Interim Co-Lead Counsel intend to satisfy that deadline. ECF No. 56 at ¶3.

Accordingly, the filing and consolidation of *Tripson* will not disturb the briefing schedule, and Plaintiffs intend to file their oppositions to Defendants’ motions by the Court-ordered deadline.

We thank the Court for its attention to this matter and would be pleased to answer any questions the Court may have.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael Dell'Angelo'.

Michael Dell’Angelo (admitted *pro hac vice*)

Alex B. Heller (admitted *pro hac vice*)

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*Court-Appointed Interim Co-Lead Counsel for Plaintiffs  
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cc: All Counsel of Record (via ECF)